

1904-035 Chancery Causes: William H. Horton vs. Rebecca Horton
Lee Co.

Killbourn, Elkins

CA-Divorce

To the Hon.H.A.W.Skeen Judge of the Circuit Court for Lee County,
Virginia.

Humbley complaning your orator William _____ Horton, respectfully
sheweth unto the Court:

(1) That he is now, and has been for more than a year next preceding
the institution of this suit a Citizen of this State and County.

(2) That on the _____ day of _____, he was law-
fully married unto the defendant Rebecka Horton, then Rebecca
Kilbourn, and that he lived and cohabited with her ~~##~~
as her lawful husband for _____, years during all which time
your orator was unto her a true loving and indulgent husband.

~~#~~3) That on the _____ day of _____, she wilfully
deserted and abandoned your orator and has ever since for more
three years, wholly neglected and refused to live and cohabit with
your orator, and to discharge the duties incumbent upon her as
your orators wife; and that she has during which time, to-wit; the ~~##~~
last three years, she has forgotten her duties as the wife of your
orator. *And that your orator last cohabited with the*
said Rebecca Horton in this County, and that more than three years.
In consideration of the premisis, your orator prays that the said
Rebecka Horton be made a party defendant to this bill and be req-
uired to answer the same, but she need not do so under oath that ~~##~~
being hereby waived, that your orator may be decreed a divorce a
vinculo matrimonii from the said Rebecka Horton, and declared
to be sole, ~~###~~ single and unmarried, that proper process may issue,
and all proper orders and decrees entered; and that all such other
and futher and general releif may be granted your orator as in the
premises may seem just and right and your orator will ever pray: C

H.C. Ballou
J.C. Hall } *P.g.*

William Horton
V3 { Dec in chan.
Rebecca Horton.

1903. 2nd Jan'y rules bill.
filed Summons not
executed.
" 1st Feb'y rules Cont'd
" 2nd alias & pa executed.
" 1st March rules held the
" last Monday Feb'y Cause
set for hearing

Costs: Tax 1.50
Murray Clerk \$4.01
Ewing " 2.43
Shff. 1.00
Atty. 15.00
Comr. .75
\$23.69

1900 to 10

Wm.H.Horton

vs

Rebecca Horton,

)

)

)

In Chancery.

This cause came on this day to be heard upon the complainants bill and the depositions of witnesses, and was argued by counsel And it appearing that said defendant has been duly served with process as the law requires, and it appearing to the court from depositions of witnesses that the allegations of the bill have sustained. It is therefore adjudged ordered and decreed that the bonds of matrimony heretofore contracted and up to this time existing between the complainant and defendant be, and the same are hereby dissolved and annulled, and the said plaintiff and defendant are each declared to be sole and single.

And there being nothing further to be done in this cause, the same is hereby ordered stricken from the docket.

W. H. Horton
vs { in Chancery
Rebecca Horton

Deere Finel.

Entered C.B. No. 7,
page 568.

Enter this decree
This Dec. 24, 1914.
H. A. Shaw
Judge

The depositions of Patton Elkins and others, taken before me Geo. P. Cridlin, a Commissioner in Chancery for the Circuit Court of Lee County, Virginia, pursuant to ^{agreement of counsel} ~~notice hereto attached~~, on the 5th day of December, 1904, at my office in the town of Jonesville Virginia, which depositions are intended to be read as evidence in behalf of the plaintiff in a certain suit in chancery now depending in the Circuit Court of Lee County, in which William Horton is plaintiff and Rebecca Horton is defendant.

Present, William Horton, plaintiff, + *C. J. Duncan for deft.*

No witness appearing, the further taking of these depositions is adjourned till Dec. 8th at the same place.

Geo. P. Cridlin
Comr. in Chancery.

Met pursuant to adjournment, same parties present as on day last aforesaid.

Patton Elkins a witness of lawful age being first duly sworn deposes as follows:

Q.1.-- Please state your age, occupation and place of residence.

A.-- I am 44 years old, am a farmer, reside on Wallens Creek in Lee County, Virginia.

Q.2.-- Are you acquainted with William Horton and Rebecca Horton, if so please state how long you have known them?

A.-- I do know said parties, have known them all my life.

Q.3.-- Please state, if you know, has been residing in Lee County, Virginia, next preceeding the 24th day of December, 1902?

A.-- He moved to this County about 20 years ago. However he left the County some years ago and staid awhile, and he had come back and had been residing in the County about three years next before the 24th of December, 1902.

Q.4.-- Please state whether or not William Horton the plaintiff and his wife Rebecca Horton the defendant are now living together as man and wife, if not, state how long they have been apart and anything you may know with reference to their separation?

A.-- Said parties are not now living together. They have been apart some six or seven years. William Horton went to Kentucky, as I understood on business, and while he was gone his wife went to Big Stone Gap to live. William Horton came back home and his wife refused to return to him, and I heard her say she would not live with him

again and she never has returned to him and they do not now live together.

Q.5.--² Please state if you know where the said William and his wife last cohabited and lived together?

A.-- On Wallens Creek in Lee County, Virginia.

And further this deponent saith not.

Patton x Elkins
mark

C.P.Horton, another witness of lawful age being first duly sworn deposes as follows:

Q.1.-- Please state your age, occupation and place of residence?

A.-- I am 36 years old, am a farmer, and reside on Wallens Creek Lee County, Virginia.

Q.2.-- Are you acquainted with William Horton and Rebecca Horton, and if you are related to them in any way please state what the relationship is?

A.--I am acquainted with said parties. William Horton is my brother.

Q.3.-- Please state, if you know, whether or not William Horton the plaintiff, and Rebecca Horton, the defendant, are now living together as husband and wife, and if you say they are not, please state how long they have been apart, and anything you may know relative to the separation?

A.-- Said parties are not now living together. I think it has been about eight years since they separated. William Horton went to Kentucky selling books and staid some time, before he returned his wife left his home and went to Big Stone Gap to live, When William Horton returned home, he wrote several letter to her trying to get her to return and live with him, but she did not, and he finally got me to take a letter to her and go and see and try to get her to return to him. I did go, but she refused to come back. She has never returned and has never lived with him since.

Q.4.-- Please state where said parties last cohabited together, and where William Horton resided for the year next preceeding the bringing of this suit?

A.-- They last cohabited together on Wallens Creek in Lee County, Virginia. He resided in Lee County for several years next prior

to the bringing of this suit.

Q.5.-- Please state whether or not you were about the home of William Horton and his wife very much, and if you state whether or not William Horton was, good, kind and affectionate towards his said wife, or whether he mistreated her?

A.-- I was about the home of said parties a great deal. I staid there all of one Summer, some four or five months, and was there off and on a great deal, and William Horton so far as I could see was always very good and kind to his wife, and would get her anything she wanted so far as he was able. I saw the letter which he sent by me to her asking her to return to live with him. In that letter he asked her to come on back to their home and live with him, that he would treat her as good and kind as he was able, and he insisted very much that she should return.

And further this deponent saith not.

C.P. Horton

Virginia, Lee County, to-wit:

I, Geo.P.Cridlin a Commissioner in Chancery for the Circuit Court of Lee County, Virginia, do certify that the foregoing depositions of Patton Elkins and C.P.Horton were taken, subscribed and sworn to before me at the time, place and for the purpose in the caption mentioned.

Given under my hand this the 8th day of December, 1904.

Geo.P. Cridlin
Comr. in Chancery.

William Horton
vs. { In chg.
Rebecca Horton

Depositions of
art
Patton Elkins
C. P. Horton.

Filed Dec. 14, 1904 by
Geo. P. Cridlin, coun in
chg.

H. T. Ewing Clerk.

Cour. fee 75¢

The Commonwealth of Virginia:

Wise
To the Sheriff of the County of ~~Lee~~, Greeting:

again
WE COMMAND YOU, that you summon *Rebecca Horton*

to appear at the Clerk's office of the Circuit Court of the County of Lee at the rules
to be held for the said Court, on the *3rd* Monday in *February* 190*3*,
to answer to a bill in chancery, exhibited against *her* in our said Court by
Mrs. H. Horton

And have then there this writ. Witness. A. B. MUNSEY, Clerk of our said Court, at
the court-house, the *22nd* day of *January* 190*3* and in the
12*7th* year of the Commonwealth.

A. B. Munsey Clerk

Wm. H. Horton

vs. }

SUBPENA
IN
CHANCERY.

Rebecca Horton

Ned V. Ballou p. q.

To *2nd February* Rules

1903. Lee Circuit Court.

Executed on the *28th*
day of *Jan.* 1903 by
delivering a true office copy
To *Rebecca Horton* in
Wise 20-00

J. E. Dorton DS
for W. H. Allen sec

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon Rebecca Horton

to appear at the Clerk's office of the Circuit Court of the County of Lee, at rules to be held for the said court, on the 2nd Monday in January, 1903, to answer a bill in chancery exhibited against her in our said court by Wm H. Horton

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the court-house, the 24th day of December, 1902, and in the 127th year of the Commonwealth.

A Copy,

Teste; A. B. Munsey Clerk

A. B. Munsey, Clerk.

vs. { SUBPOENA
IN CHANCERY.

p. q.

To Rules.

Court.

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon Rebecca Horton

to appear at the Clerk's office of the Circuit Court of the County of Lee, at rules to be held for the said court, on the 2nd Monday in January, 1903, to answer a bill in chancery exhibited against her in our said court by Wm. H. Horton

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the court-house, the 24th day of December, 1902, and in the 127th year of the Commonwealth.

A. B. Munsey, Clerk.

Wm H. Horton

vs. }

SUBPOENA
IN CHANCERY.

Rebecca Horton

Noel & Ballou p. q.

To 2nd January Rules.

1903, Circuit Court.

Executed Jan 17, 1903
and Rebecca Horton
not found

J. H. Hall S.D.
for W. J. Milham S.C.